



Under Fed. R. Civ. P. 8(a)(1)-(2), the pleader must provide “a short and plain statement” of the grounds for jurisdiction and a “claim showing that [he] is entitled to relief.”

In the present action, Plaintiff presented one disjointed paragraph that reads (verbatim):

Plaintiff appeals perjury us code 18 usc 1623 rule 801-807, reconsider rule 7.1(h) Post judgment motion rule 59(b) fraud misconduct, physical examination sanctioned venue default judgment against ssi claim for benefits erroneous rulings of judicial misconduct 28 usc 352(b)(i)(A)(I) to ones claim of disability and Doctors records’ Malicious and immaterial of law rule 7.1.Plaintiff argument opinions for rule 28 usc 165(A) Extraordinary writs opposition for relief against these return forgerys filing for the 2<sup>nd</sup> time under no representation seeking severail attorneys before the matter, being Pro se in every tort to disability claim. Captions showing accuracy voluminous exparte rule 19 customary and PERMISSIVE TO MEMORANDUM LAW,Avoices to ones motions”Plaintiff states Certiorari Writs 1, 2,3,5,4(2).

Even broadly construed, this nonsensical paragraph is wholly insufficient to notify either the court or the Defendant of Plaintiff’s legal theory or any facts that would suggest he is entitled to relief. As a result, the undersigned recommends dismissal of the Complaint for failure to state a valid claim for relief.

### **RECOMMENDATION**

For the reasons set forth above, it is the recommendation of the undersigned Magistrate Judge that Plaintiff’s Complaint be summarily dismissed without prejudice.<sup>2</sup> Plaintiff’s Motion for Relief Sought [Doc. No. 6], another one-paragraph document which

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<sup>2</sup>The undersigned also finds no reason to grant leave to amend where, as here, Plaintiff offers no allegations in his Complaint that come close to stating a plausible claim for relief. *See Brereton v. Bountiful City Corp.*, 434 F.3d 1213 (10th Cir. 2006). Moreover, venue does not appear to be proper in this court. *See* 28 U.S.C. § 1391. Plaintiff asserts a Tulsa, Oklahoma residence and gives a Tulsa address for Defendant as well. Complaint, p. 1. Tulsa is located in Tulsa County which is within the judicial district of the United States District Court for the Northern District of Oklahoma. *See* 28 U.S.C. § 116(a).

fails to assert any request for relief or remedy, should be denied as moot if this recommendation is adopted.

Plaintiff is advised of his right to object to this Report and Recommendation by November 19, 2012, in accordance with 28 U.S.C. § 636 and Fed. R. Civ. P. 72. Plaintiff is further advised that failure to make timely objection to this Report and Recommendation waives his right to appellate review of both factual and legal issues contained herein. *Moore v. United States*, 950 F.2d 656 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the Magistrate Judge in this matter.

ENTERED this 30<sup>th</sup> day of October, 2012.

  
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BANA ROBERTS  
UNITED STATES MAGISTRATE JUDGE